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EXAMINER

AKERS, GEOFFREY R

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Updated
Office Action Summary

Application No. 09/188810	Applicant(s) Gillie
Examiner Akers, J	Group Art Unit 3624

Cd

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 3/1/02

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-43 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-43 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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SUPPLEMENTAL DETAILED ACTION

Response to Appeal Brief

1. This action is in responsive to Applicant's Appeal Brief(Paper #15) filed 3/1/02.
2. No claims were amended. None were deleted. None were added.
3. Claims 1-43 are pending. Prosecution is reopened herein in this case. The Final Rejection(Paper #12) is withdrawn and this Supplemental Non-Final is issued in its place.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 USC 103(a) as unpatentable over Albrecht(US Pat. No: 5,984,180) in view of Van Dusen(US Pat. No: 6,175,823) in view of O'Mahoney(Electronic Payment Systems-1997 Artech House) in view of Picciallo(US Pat. No: 6,044,360) and further in view of Gifcertificates.com(8/98).

6. As per claim 1, Albrecht teaches a method comprising a plurality(Abstract) of charge accounts of a type normally issued with an associated physically producible card which may be presented as evidence of an existing charge account, the physically producible cards bearing human readable account numbers and expiration dates. Van Dusen teaches the plurality of charge accounts being capable of being gifted to a party(col 8 lines 6-10). Albrecht teaches receiving a

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request from a first party to gift a charge account to a second party having a name(Fig 1/20/22/24/26/28/30). Van Dusen teaches without both the issuance and provision of a physical card for the charge account to the second party(Fig 1)(Abstract)(Fig 5)(Fig 6)(col 1 line 54-col 2 line 15). Furthermore, O'Mahoney teaches specifically the use of a virtual or electronic credit card(pp 68-70) as well as the purchase and confirmation of purchase by the VCC(Fig 4.5). Albrecht teaches the first party and the second party being different from each other(col 2 line 50-col 3 line 39). Albrecht teaches the charge account being usable in the name of the second party at any merchant who is capable of seeking authorization(col 3 lines 23-39)(col 6 lines 8-28) using an authorization infrastructure for purchases involving charge accounts for which the physically producible cards are issued(col 6 lines 28-56). Van Dusen teaches whether or not the physical cards evidencing the accounts are presented by purchasers when a purchase is made accepting an account parameter selected by the first party(col 4 line 7-23). Albrecht fails to teach the use of e-mail to advise the recipient of the gift of the card. Van Dusen teaches informing the second party of the account by sending an e-mail to the second party(Fig 2)(col 3 line 64-65) the e-mail containing a greeting selected by the first party and directing the second party to perform a specified action in order to cause an activation of the account activating the account for usage by the second party according to the account parameter(Fig 2/30). Picciallo teaches receiving an indication that the second party has made a purchase from a merchant using the account(col 3 line 55-65) and undertaking a settling transaction involving the account after the usage by the second party(col 3 line 66-col 4 line 5). It would have been obvious to one skilled in the art at the time of

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the invention to combine Albrecht in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen (col 1 lines 49-51). Furthermore, it would have also been obvious to combine Albrecht in view of Van Dusen and further in view of Picciallo to teach more of the above. The motivation to combine Picciallo with Albrecht in view of Van Dusen is to teach a means for an account holder to provide for electronic transfer of funds to a third party recipient with limits placed on the sums and receive an accounting and confirmation of how the transferred funds were expended as enunciated by Picciallo (col 2 lines 10-15). Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen in view of Picciallo and further in view of O'Mahoney to teach all of the above. The motivation to combine O'Mahoney in view of Albrecht in view of Van Dusen in view of Picciallo is to utilize an electronic (virtual) credit card mechanism to perform e-commerce transactions.

7. As per claim 2 Van Dusen teaches the method of claim 1 further comprising the step of providing a purchaser accessible interface via the world wide web through which the first party can present the request to gift the charge account to the second party (Fig 4). Albrecht teaches the transfer of the charge account from a first to a second party (Abstract) (col 4 lines 10-36). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift

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certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it would have also been obvious to combine Albrecht in view of Van Dusen and further in view of Picciallo to teach more of the above. The motivation to combine Picciallo with Albrecht in view of Van Dusen is to teach a means for an account holder to provide for electronic transfer of funds to a thrid party recipient with limits placed on the sums and receive an accounting and confirmation of how the transferred funds were expended as enunciated by Picciallo(col 2 lines 10-15). Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen in view of Picciallo and further in view of O'Mahoney to teach all of the above. The motivation to combine O'Mahoney in view of Albrecht in view of Van Dusen in view of Picciallo is to utilize an electronic(virtual) credit card mechanism to perform e-commerce transactions.

8. As per claim 3, Albrecht teaches the method of claim 1 further comprising the step of establishing an account for storage of funds usable for settling an economic transaction associated with one of the plurality of charge accounts(Fig 6/502).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it would have also been obvious to combine Albrecht in view of Van Dusen and further in view of Picciallo to teach more of the above. The motivation to combine Picciallo with Albrecht in view of Van Dusen is to teach a means for an account holder to provide for electronic transfer of funds to a thrid party recipient with limits placed on the sums and receive

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an accounting and confirmation of how the transferred funds were expended as enunciated by Picciallo(col 2 lines 10-15). Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen in view of Picciallo and further in view of O'Mahoney to teach all of the above. The motivation to combine O'Mahoney in view of Albrecht in view of Van Dusen in view of Picciallo is to utilize an electronic(virtual) credit card mechanism to perform e-commerce transactions.

9. As per claim 4, Albrecht teaches the method of claim I wherein the activating step further comprises the step of ensuring that the authorization infrastructure will authorize the purchase from the merchant as long as an account activity parameter is not violated(Abstract)(col 2 lines 50-col 3 line 6). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it would have also been obvious to combine Albrecht in view of Van Dusen and further in view of Picciallo to teach more of the above. The motivation to combine Picciallo with Albrecht in view of Van Dusen is to teach a means for an account holder to provide for electronic transfer of funds to a third party recipient with limits placed on the sums and receive an accounting and confirmation of how the transferred funds were expended as enunciated by Picciallo(col 2 lines 10-15). Finally, it would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen in view of Picciallo and further in view of O'Mahoney to teach all of the

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above. The motivation to combine O'Mahoney in view of Albrecht in view of Van Dusen in view of Picciallo is to utilize an electronic(virtual) credit card mechanism to perform e-commerce transactions.

10. Claims 5-11,13,16-20,32,37-38,40-43 are rejected under 35 USC 103(a) as unpatentable over Fleming(US Pat. No: 5,953,710) in view of Van Dusen(US Pat. No: 6,175,823).

11. As per claim 5, Fleming teaches a method comprising receiving a request from a first party for a gift certificate for a second party having a name(col 5 lines 40-62), the gift certificate being an indication of a charge account. Van Dusen teaches without both an issuance and provision of a physical card for the charge account or provision of a presentable gift certificate to the second party, the charge account being usable solely in the name of the second party(col 2 lines 55-67)(Figs 1-3)(Figs 5-6). Fleming teaches having an associated first party selectable account parameter(col 5 lines 40-43) and being capable of having a purchase made using the account authorized using an authorization infrastructure of a card association and informing the second party of the account(col 3 lines 11-14) and activating the account for usage by the second party(col 3 lines 35-39)(col 3 lines 49-54). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

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12. As per claim 6, Fleming teaches the method of claim 5 further comprising the step of acquiring a plurality of charge accounts capable of being gifted after acquisition(col 3 lines 38-39).

13. As per claim 7 Fleming teaches the method of claim 5 further comprising the step of accepting a payment from the first party(col 3 lines 56-57).

14. As per claim 8 Fleming teaches the method of claim 5 further comprising the step of receiving selection of the account parameter from the first party(col 6 lines 42-44) the selection being one of a specified value(Abstract) or a maximum credit limit(col 3 lines 5-11) or a delivery date, a start date, an expiration date, a duration, a billing address, a location for funds from which charges by the second party will be paid, a notification method, or a usage notification arrangement(col 6 lines 60-67).

15. As per claim 9 Van Dusen teaches the method of claim 5 wherein the informing step further comprises the step of sending an e-mail to the second party(Fig 2).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

16. As per claim 10, Van Dusen teaches the method of claim 5 wherein the informing step farther comprises the step of directing the second party to a website associated with the gift certificate(Fig 2/34)(col 4 lines 7-32).It would have been obvious to one skilled in the art at the

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time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

17. As per claim 11 Van Dusen teaches the method of claim 5 further comprising the step of allowing the first party to select a greeting to the second party(Fig 2-Message).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

18. As per claim 13 Van Dusen teaches the method of claim 5 further comprising the step of requiring the second party to take a specified action before performing the activating stepFig 2)(col 4 lines 23-32).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

19. As per claim 16 Van Dusen teaches the method of claim 5 wherein the receiving step further comprises the step of processing the request using information provided by the first party in an online purchase form(Fig 1)(col 3 lines 37-63).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the

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above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

20. As per claim 17 Van Dusen teaches the method of claim 5 further comprising the step of providing an accessible URL address for facilitating the receiving step(Fig 1)(col 3 line 64-col 4 line 20).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

21. As per claim 18 Van Dusen teaches the method of claim 5 further comprising the step of providing an accessible URL address for facilitating a response by the second party to the informing step(col 4 lines 7-23).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

22. As per claim 19 Fleming teaches the method of claim 5 further comprising the step of funding a DDA account associated with the charge account(col 3 lines 33-37).

23. As per claim 20 Van Dusen teaches the method of claim 5 whereby the informing step further comprises the step of providing an online display for viewing by the second party(Fig 2).

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It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

24. As per claim 32, Fleming teaches a gift of credit method comprising the steps of a first party to transfer credit as a gift to a second party(col 3 lines 12-32) and charging a credit card belonging to the first party in a first amount (col 5 lines 40-42) and assigning a credit card account issued by a bank to a second party having a credit limit related to the first amount, the credit card account being one of a plurality of credit card accounts of a type wherein physical cards are issued to people named on the accounts(col 5 lines 25-26) and the physical cards are usable to make a purchase on credit of at least one of goods or services and authorization of charges to the accounts are performed using an authorization infrastructure of a card association of which the bank is a member(col 5 lines 16-24) and informing the second party of the credit card account(col 6 lines 60-67) the credit card account being used by the second party in the second party's name without any financial liability being borne by the second party as a result of a use of the credit card account. Van Dusen teaches no physical card for credit card account being both issued and provided to the second party at the time an authorization for an economic transaction between the second party and a merchant(col 2 lines 55-67)(Abstract) is performed.Fleming teaches using the authorization infrastructure whereby, when the use of the credit card account occurs the second person will be using credit of the first person(col 5 lines 10-16).It would have been obvious to one

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skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

25. As per claim 37, Fleming teaches a system comprising a database having at least one table and a processor coupled to the database(Fig 2)(Fig 3) the database being configured to under control of the processor(Fig 1)(Fig3/74/22), maintain a record of a payment card account registered to a first person at the request of a second person(col 3 lines 11-32) and for no time at, or before.Van Dusen teaches the use of no physical card in an online gifting system(col 2 lines 55-67)(Abstract). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

26. As per claim 38 Fleming teach one of the payment card accounts being registerable to a first person at the request of a second person (col 3 lines 12-32). Van Dusen teaches a system comprising an interface to the internet, the interface being correlated to an IP address for a webpage(Fig 4)(col 4 lines 7-23)and a processor capable of displaying the webpage to a person connected to the internet(Fig 3)(col 4 lines 33-41) the webpage including a link which, when selected, will connect the person to a server having a communicative relationship with a database(Fig 4/70/76) the database being configured to maintain a records of payment card accounts of a type for which a physical card normally is provided to an individual to whom an

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account is registered(Fig. 4/78/72). Van Dusen teaches that the payment card account being maintained such that, at the time the second person buys from a merchant and provides payment by referencing the payment card account, no physical card for the payment card account will have been provided to the second person.(col 2 lines 55-67).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

27. As per claim 40 Fleming teaches a method comprising converting a payment card account of a first type for which a payment card has issued and been provided to a first person the payment card account being usable solely in a name of the first person(col 5 lines 10-11) into a payment card account of a second type usable by a second person(col 5 lines 12-13) having a name different than the name of the first person(col 5 lines 40-42). Van Dusen teach without issuing and providing a physical card for the payment card account of the second type to the second person at a time of, or prior to when the second person uses the payment card account of the second type in a purchase transaction with a merchant(col 2 lines 55-67)(Figs 1-3)(Figs 5-6).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

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28. As per claim 41 Fleming teaches the charge account being usable solely in the name of the second party(col 5 lines 42-45) and having an associated first party selectable account parameter(col 5 lines 40-43) and being capable of having a purchase made using the account authorized using an authorization infrastructure of a card association and informing the second party of the account(col 3 lines 11-14) and activating the account for usage by the second party(col 3 lines 35-39)(col 3 lines 49-54). Van Dusen teaches the method of claim 5 wherein activation occurs at the same time as informing the second party is done by receiving a request from a first party for a gift certificate for a second party having a name(col 2 lines 55-67) the gift certificate being an indication of a charge account but without both an issuance and provision of a physical card for the charge account or provision of a presentable gift certificate to the second party(Abstract)(Figs 1-6).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

29. As per claim 42 Fleming teaches the method of claim 5 wherein activation occurs before informing the second party whereby a request from a first party for a gift certificate for a second party having a name(col 5 lines 40-62). Van Dusen teaches the electronic gift certificate being an indication of a charge account but without both an issuance and provision of a physical card for the charge account or provision of a presentable gift certificate to the second party(col 2 lines 55-67)(Figs 1-6). Fleming teaches that the charge account being usable solely in the name of the

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second party(col 5 lines 42-45) and having an associated first party selectable account parameter(col 5 lines 40-43) and being capable of having a purchase made using the account authorized using an authorization infrastructure of a card association and informing the second party of the account(col 3 lines 11-14) and activating the account for usage by the second party(col 3 lines 35-39)(col 3 lines 49-54).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

30. As per claim 43, Fleming teaches a method comprising the following of receiving a request from a first party for a gift certificate for a second party having a name(col 5 lines 40-62). Van Dusen teaches the gift certificate being an indication of a charge account but without both an issuance and provision of a physical card for the charge account or provision of a presentable gift certificate to the second party(col 2 lines 55-67)(Figs 1-6). Fleming teaches the charge account being usable solely in the name of the second party(col 5 lines 42-45) and having an associated first party selectable account parameter(col 5 lines 40-43) and being capable of having a purchase made using the account authorized using an authorization infrastructure of a card association and informing the second party of the account(col 3 lines 11-14) and activating the account for usage by the second party(col 3 lines 35-39)(col 3 lines 49-54).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach

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the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

31. Claim 12 is rejected under 35 USC 103(a) as unpatentable over Giftcertificates.com.

32. As per claim 12 Giftcertificates teaches the method of claim 5 further comprising the step of appreciating choosing gift certificates(page 6). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Also, it would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen and further in view of Giftcertificates to teach all of the above. The motivation to combine is to teach an electronic gifting system of limited credit value to another separate party and create an incentive program as taught by Giftcertificates.com(page 5).

33. Claims 14,21,23-24,29,31 are rejected under 35 USC 103(a) as unpatentable over Fleming(US Pat. No:5,953,710) in view of Van Dusen(US Pat. No: 6,175,823) and further in view of Albrecht(US Pat. No: 5,984,180).

34. As per claim 14 Van Dusen teaches the method of claim 5 wherein the informing step comprises an online portion(Fig 2)(Fig 4)(Fig 5)(Fig 6). Albrecht teaches an offline portion(Fig

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5A)(col 4 lines 27-33). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Albrecht in view of Van Dusen to teach the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it would have also been obvious to combine Fleming in view of Van Dusen and further in view of Albrecht to teach the above. The motivation to combine Albrecht with Fleming in view of Van Dusen is to teach a means for a system that does not suffer the cost and danger of a paper certificates in the form of a widely used credit card authorized by a purchaser for a limited value as part of his credit account and useable only by a separately named recipient up to a credit limit as enunciated by Albrecht(col 2 lines 38-47).

35. As per claim 21 Albrecht teaches the method of claim 5 wherein the charge account is one of a MasterCard or VISA account and a transaction involving the second party and the charge account is authorized in the same manner as would be done for a mail order/telephone order purchase transaction involving MasterCard or VISA accounts for which physical cards have been issued(col 5 lines 45-60)(Fig 5A). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Albrecht to teach the above. The motivation is to combine is to teach a method of providing value which does not suffer the cost and security disadvantages of paper certificates in the form of an accepted credit card authorized by a purchaser and useable only by a separately named recipient until the credit limit is reached as enunciated by Albrecht(col 2 lines 38-47).

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36. As per claim 23 Fleming teaches the method of claim 22 wherein the payment card account is one of a credit card account whereby an outstanding balance due need not necessarily be paid at the end of a billing period(col 12 lines 31-35) a debit card account whereby at the time of the economic transaction with the merchant an amount for the economic transaction is transferred from the payment card account to the merchant(col 12 lines 57-col 13 line 23)(Fig 3) or a charge card account whereby an account balance must be paid in full at the end of a billing period(col 5 lines 40-62)(col 12 lines 36-42).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have been obvious to one skilled in the art to combine Fleming in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10).

37. As per claim 24 Van Dusen teaches the method of claim 23 wherein the invoking step is followed by the step of sending an e-mail to the second person(Fig 2)(col 3 line 64-col 4 line 6). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van

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Dusen(col 1 lines 49-51).Furthermore, it also would have been obvious to one skilled in the art to combine Fleming in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10).

38. As per claim 29 Van Dusen teaches the method of claim 23 further comprising the step of providing redemption instructions to the second person(Fig 2/34).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have been obvious to one skilled in the art to combine Fleming further in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10).

39. As per claim 31 Albrecht teaches a method of providing for purchase of a gift comprising the steps of assigning a credit card account to a first party at the request of a second party(Abstract)(col 4 line 10-col 5 line 14)(Fig 3) upon tender by the second party of a request to charge a credit card belonging to the second party in an amount at least as great as a maximum credit limit(col 6 lines 60-61) to be available for the first party when purchase is made by the first

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party as a gift of the second party using the credit card account the credit card account being usable by the first party in the first party's name(col 5 line 36-col 6 line 28). Van Dusen teaches no physical card for the credit card account being both issued and provided to the first party at the time the purchase is made using the account(col 2 lines 55-67). Fleming teaches an authorization for the purchase is sought by a merchant using the authorization infrastructure, and an approval is received by the merchant over the authorization infrastructure(col 5 lines 12-19). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it also would have been obvious to one skilled in the art to combine Fleming further in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10).

40. Claims 15,33-36 are rejected under 35 USC 103(a) as unpatentable over Fleming(US Pat No:5,953,710) in view of Van Dusen(US Pat. No: 6,175,823) and further in view of Picciallo(US Pat. No: 6,044,360).

41. As per claim 15 Picciallo teaches the method of claim 13 wherein the online portion comprises at least two parts, one of the parts involving a different medium than another of the

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parts(col 7 line 61-col 8 line 67).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach part of the above. The motivation for this is to teach a system providing for the efficient and reliable means for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51). Furthermore, it would have also been obvious to combine Fleming in view of Van Dusen and further in view of Picciallo to teach the above. The motivation to combine Picciallo with Albrecht in view of Van Dusen is to teach a means for an account holder to provide for electronic transfer of funds to a third party recipient with limits placed on the sums and receive an accounting and confirmation of how the transferred funds were expended as enunciated by Picciallo(col 2 lines 10-15).

42. As per claim 33, Fleming teaches a method comprising providing a plurality of zero value debit card accounts to a first party and assignable to a second party(col 3 lines 35-37), the accounts being of a type wherein physical cards are issued to people named on the accounts(col 3 lines 38-39) the physical cards are usable to purchase at least one of goods or services, authorization of uses of the accounts are performed using a card association authorization infrastructure(Fig 1/6)(col 4 lines 65-67) and balances in the accounts are determined as a result of the purchase of the at least one of goods or services(col 6 lines 38-47) an assignment from the first party to the second party to occur of an amount at least as great as a maximum value to be available when a purchase is made using the account, the account being usable by the second party in the second party's name(col 5 lines 12-13)(Fig 1/4).Van Dusen teaches no physical card

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for the account being issued and provided to the second party at the time an authorization is performed(col 2 lines 55-67). Fleming teaches using the card association authorization infrastructure, as a result of the second party purchasing one of goods or services using the account(col 5 lines 25-32). Picciallo teaches the implementation of a third party in the transactions(col 2 line 16-28). It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Finally, it would have been obvious to combine Fleming in view of Van Dusen and further in view of Picciallo to teach all of the above. The motivation to combine is to teach a system for which an account holder may electronically transfer funds from a preestablished account to a third party recipient with expenditure limits and receive a subsequent accounting of how the funds were actually expended as enunciated by Picciallo(col 2 lines 10-15).

43. As per claim 34 Fleming teaches the method of claim 33 comprising the further step of authorizing a purchase transaction involving the second party, and a retail merchant(col 5 lines 12-13). Van Dusen teaches an e-account(col 2 lines 55-67).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Finally, it would have been obvious to combine Fleming in view of Van Dusen and further in view of

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Picciallo to teach all of the above. The motivation to combine is to teach a system for which an account holder may electronically transfer funds from a preestablished account to a third party recipient with expenditure limits and receive a subsequent accounting of how the funds were actually expended as enunciated by Picciallo(col 2 lines 10-15).

44. As per claim 35 Fleming teaches a method comprising providing a plurality of zero balance credit card accounts(col 3 lines 43-44) to a first party assignable to a second party the accounts being of a type wherein physical cards are issued to people named on the account(col 3 lines 38-39) the physical cards are usable to purchase at least one of goods or services on credit, and authorization of charges to the accounts are performed using a card association authorization infrastructure(Fig. 1/6)(col 4 lines 65-67), and credit is extended as a result of the purchase of the at least one of goods or services(col 6 lines 38-47) using the accounts unless there is an offsetting balance in the account at the time of posting, an assignment from the first party to the second party to occur from an approval to charge a major credit card of a third party, in an amount at least as great as a maximum credit line to be available for the amount when a purchase is made using the account, the account being usable by the second party in the second party's name(col 5 lines 12-13)(Fig 1/4). Van Dusen teaches no physical card for the credit card account being both issued and provided to the first party at the time the purchase is made using the account(col 2 lines 55-67). Fleming teaches an authorization for the purchase is sought by a merchant using the authorization infrastructure, and an approval is received by the merchant over the authorization infrastructure(col 5 lines 12-19). Picciallo teaches the implementation if a third party in the

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transactions(col 2 line 16-61).It would have been obvious to one skilled in the art at the time of the invention to combine Fleming in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Finally, it would have been obvious to combine Fleming in view of Van Dusen and further in view of Picciallo to teach all of the above. The motivation to combine is to teach a system for which an account holder may electronically transfer funds from a preestablished account to a third party recipient with expenditure limits and receive a subsequent accounting of how the funds were actually expended as enunciated by Picciallo(col 2 lines 10-15).

45. As per claim 36 Fleming teaches the method of claim 35 comprising the further step of noting a clearing transaction for the account as a result of a usage of the account by the second party(col 6 lines 52-67).

46. Claims 22,30 are rejected under 35 USC 103(a) as unpatentable over Albrecht(US Pat. No: 5,984,180) in view of Van Dusen(US Pat. No: 6,175,823).

47. As per claim 22 Albrecht teaches a method comprising making an instrument of a purchaser selectable value available for purchase by a first person in a name of a second person(Abstract)(Fig 1)(Fig 2)(Fig 3)(Fig 4) a purchase of which will result in the maintaining of a payment card account associated with the second person(Fig 5A/5B). VanDusen teaches no physical card is both issued for the account and provided to the second person at a time when the

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second person uses the payment card account(Abstract)(col 2 line 55-col 3 line 24) the payment card account being maintainable so that when an economic transaction with a merchant occurs in accordance with the instrument parameters the economic transaction will be authorized using the authorization infrastructure of a card association authorization entity normally used to authorize transactions involving a physical payment card account and invoking a notification procedure in response to the purchase(Fig 2/32/30/34)(Fig 3/40).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

48. As per claim 30 Van Dusen teaches a method comprising a credit card account which is linked to a national card account of a plurality of national card accounts(col 3 lines 65-67), without both issuing and providing a physical card for the national card account to the recipient of the online credit account having been established by a purchaser, who is not also the recipient(col 2 lines 55-67) and containing all information necessary for the purchase of at least one of goods or services from any merchant who is capable of processing economic transactions. Albrecht teaches involving one of the plurality of national card accounts for which a physical card has issued(col 5 lines 55-60). Van Dusen teaches without presentment of a physical card(Abstract) as well as the transmission of an electronic packet to a recipient(Fig 2). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to

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teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

49. Claims 25,28 are rejected under 35 USC 103(a) as unpatentable over Fleming (US Pat. No: 5,953,710) in view of Albrecht(US Pat. No: 5,984,180) in view of Van Dusen(US Pat. No: 6,175,823) and further in view of Giftcertificates.

50. As per claim 25 Giftcertificates teaches the method of claim 24 further including the step of executing a process which will construct a transfer instrument according to a template selected by the first person(pages 7/12).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have ben obvious to one skilled in the art to combine Fleming further in view of Albrech in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enmunciated by Fleming(col 3 lines 5-10). Lastly, it would have been obvious to combine Giftcertificates in view Albrech in view of Van Dusen and further in view of Fleming to teach all of the above. The motivation to combine is to teach an electronic certificate gifted to a second party whereby the second party retains the richt to choose the gift to purchase with the gift credit.

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51. As per claim 28 Giftcertificates teaches the method of claim 23 further comprising the step of allowing the second person to specify a criterion related to a use of the payment card(Page 7). It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have ben obvious to one skilled in the art to combine Fleming further in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enmunciated by Fleming(col 3 lines 5-10). Additionally, it would have been obvious to combine Giftcertificates in view Albrech in view of Van Dusen and further in view of Fleming to teach all of the above. The motivation to combine is to teach an electronic certificate gifted to a second party whereby the second party retains the right to choose the gift to purchase with the gift credit.

52. Claims 26-27 are rejected under 35 USC 103(a) as unpatentable over Fleming(US Pat.

No:5,953,710) in view of Van Dusen(US Pat. No: 6,175,823) in view of Albrecht(US Pat. No: 5,984,180) and further in view of Picciallo(US Pat. No: 6,044,360).

53. As per claim 26 Picciallo teaches the method of claim 23 further comprising the step of acting according to a post-purchase criteria(col 6 lines 58-65).It would have been obvious to one

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skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have been obvious to one skilled in the art to combine Fleming further in view of Albrecht in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10).Finally, it would have been obvious to one skilled in the art to combine Picciallo in view of Albrecht in view of Van Dusen in view of Fleming to teach the above. The motivation to combine is to teach a mechanism for an account holder to electronically transfer funds from a preestablished account to a third party recipient with limits set on how much money may be spent and receive a subsequent accounting of the actual expenditure of the funds as taught by Picciallo(col 2 lines 10-15).

54. As per claim 27 Picciallo teaches the method of claim 26 wherein the acting step includes one of informing the first person that a use of the payment card account has occurred informing the first person of when a use of the payment card account has occurred or identifying the merchant to the first person(col 8 lines 47-57).It would have been obvious to one skilled in the art at the time of the invention to combine Albrecht in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).Furthermore, it also would have

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been obvious to one skilled in the art to combine Fleming further in view of Albrech in view of Van Dusen. The motivation to combine here is to teach a method for a credit or debit card system that allows a limit to be placed on the amount of expenditures that can be made and allows the available credit to be determined by someone other than the card issuer as enunciated by Fleming(col 3 lines 5-10). Finally, it would have been obvious to one skilled in the art to combine Picciallo in view of Albrech in view of Van Dusen in view of Fleming to teach the above. The motivation to combine is to teach a mechanism for an account holder to electronically transfer funds from a preestablished account to a third party recipient with limits set on how much money may be spent and receive a subsequent accounting of the actual expenditure of the funds as taught by Picciallo(col 2 lines 10-15).

55. Claim 39 is rejected under 35 USC 103(a) as unpatentable over Sugimori(US Pat. No: 6,047,265) and further in view of Van Dusen(US Pat. No: 6,175,823).

56. As per claim 39 Sugimori teaches a transfer instrument comprising a processor accessible storage media; and a database record located on the storage media(Fig. 1/24)(Fig 5/110(410)), the database record including a plurality of fields(Fig. 7), the fields being configured for holding data which will allow a person to make a purchase(Fig 8). Van Dusen teaches using a payment card account indicated by the record as if the payment card account had an associated physically presentable card in a name of the person even though at or before a time when the payment card account is used to make the purchase no physical card will have been both issued and physically

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provided to the person(col 2 lines 55-67)(Figs 1-6)(col 3 line 64-col 4 line 41).It would have been obvious to one skilled in the art at the time of the invention to combine Sugimori in view of Van Dusen to teach the above. The motivation is to combine is to teach an efficient system for distributing and redeeming electronic gift certificates as enunciated by Van Dusen(col 1 lines 49-51).

Response to Arguments

57. Applicant's arguments with respect to claims 1-43 are moot in view of the new ground(s) of rejection.

Conclusion

58. **THIS ACTION IS MADE NON-FINAL.**

Questions regarding this communication are to be directed to the examiner, Dr. Geoffrey Akers, P.E. who may be reached at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE may be telephoned at (703)-308-1065.

GRA

April 28, 2002